6146684/2022/TAPPAL-REV01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Sri P. Kanakadurgaiah, formerly Tahsildar, T.Sundupalli Mandal, Annamayya District - Violation of APCS (Conduct) Rules, 1964 - Departmental proceedings under rule 20 of A.P.C.S. (CC & A) Rules, 1991 r/w Rule 9 of A.P.R.P.Rules, 1980 - Articles of charges - Issued.

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REVENUE (VIGILANCE.III) DEPARTMENT

G.O.Rt.No.569 **Dated:18.07.2022.**

Read the following:-

1. From the CCLA's Lr.No.V.S-II(1)/674/2021-1, 15.03.2022
2. G.O.Ms.No.532, Revenue (Vig.III) Department, Dt:18.07.2022.

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ORDER:

In pursuance of the sanction accorded in the reference 2nd read above, it is proposed to hold an enquiry against Sri P. Kanakadurgaiah, formerly Tahsildar, T.Sundupalli Mandal, Annamayya District in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of Articles of charges (Annexure–I). A statement of imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure - III & IV).

3. Sri P. Kanakadurgaiah, Tahsildar (Retd) is directed to submit, within 10 days of the receipt of this order, a written statement of his defense.

4. Sri P. Kanakadurgaiah, Tahsildar (Retd) is informed that an enquiry will be held only in respect of those articles of charges as are not admitted. He should therefore, specifically admit or deny each article of charge.

5. Sri P. Kanakadurgaiah, Tahsildar (Retd) is further informed that if he does not submit his written statement of defense on or before the date specified in Para–3 above, further action will be processed based on the material available.

6. Attention of Sri P. Kanakadurgaiah, formerly Tahsildar, T.Sundupalli Mandal, Annamayya District is invited to Rule 24 of A.P.C.S (Conduct) Rules 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Sri P. Kanakadurgaiah, Tahsildar (Retd) is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

G.SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To

Sri P. Kanakadurgaiah, formerly Tahsildar, T.Sundupalli Mandal, Annamayya District (Retd) (through Collector & District Magistrate, Annamayya District, Rayachoti).

The Collector & District Magistrate, Annamayya District, Rayachoti.

Copy to :

The Chief Commissioner of Land Administration, A.P, Vijayawada.

The Collector & District Magistrate, YSR Kadapa District.

Sf/Sc.

// FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE – I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI P. KANAKADURGAIAH, FORMERLY TAHSILDAR, T.SUNDUPALLI MANDAL, ANNAMAYYA DISTRICT (RETD).

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Article of Charge - I :

That Sri P.Kanakadurgaiah, formerly Tahsildar, T.Sundupalli Mandal and now retired from service while working as Tahsildar, T.Sundupalli Mandal, YSR District for the period from 15.07.2019 to 30.04.2021 had grossly failed in submitting the Change of classification proposals under Para no.2(3)(i) of Order Number 15 of Board Standing Orders to the District Collector through the Sub Collector, Kadapa for the land in Survey Number 2141 Extent 4.00 Acres of T.Sundupalli village from Waste / Gayalu (Un Assessed Waste) to Assessed Waste, which is identified for sanction and distribution of house sites to the eligible poor beneficiaries of T.Sundupalli village under "NAVARATNALU - PEDALANDARIKI ILLU" programme.

Thus Sri P.Kanakadurgaiah, formerly Tahsildar, T.Sundupalli Mandal and now retired from service had failed in discharging his legitimate duties properly in violation of Rule 3 (1), (2) & (3) of A.P.C.S (Conduct) Rules, 1964.

Article of Charge - II:-

That Sri P.Kanakadurgaiah, formerly Tahsildar, T.Sundupalli Mandal and now retired from service while working as Tahsildar, T.Sundupalli Mandal, YSR District for the period from 15.07.2019 to 30.04.2021 in his Ref. No. B/200/2019 dated 18.06.2020 has requested the Project Director (Housing), Kadapa to prepare estimates for land leveling with machinery so as to peg mark in the land in Survey Number 2141 Extent 4.00 Acres of T.Sundupalli village which is identified for sanction and distribution of house sites to the eligible poor beneficiaries of T.Sundupalli village, without taking prior permission from the District Collector and without submitting the Change of classification proposals under Para no.2(3)(i) of Order Number 15 of Board Standing Orders to the District Collector through the Sub Collector, Kadapa for the land in Survey Number 2141 Extent 4.00 Acres of T.Sundupalli village, from Waste / Gayalu (Un Assessed Waste) to Assessed Waste, which led to publishing of adverse news item in Eenadu daily news paper in Kadapa District edition on 20.10.2020 under caption "Akramanalaku gurainadi! Bahuda parivahaka prantham pai nayakula kannu" relating to the land in Sy.No.2431 extent Ac. 323.39 cents of T.Sundupalli village and Mandal and also led for encroachment of Government land (River Poromboke) land in Sy.No.2431 of T.Sundupalli Village.

Thus, Sri P.Kanakadurgaiah, formerly Tahsildar, T.Sundupalli Mandal and now retired from service had shown gross negligence in performing his official duties and also failed in discharging his legitimate duties properly in violation of Rule 3 (1), (2) & (3) of A.P.C.S (Conduct) Rules, 1964.

Article of Charge - III:-

That Sri P.Kanakadurgaiah, formerly Tahsildar, T.Sundupalli Mandal and now retired from service while working as Tahsildar, T.Sundupalli Mandal, YSR District for the period from 15.07.2019 to 30.04.2021 being the custodian of the Government lands in his jurisdiction has grossly failed in preventing the River Poromboke land in Sy.No.2431 Extent 4.58 Acres of T.Sundupalli Village from encroachment and leveling which is against to the orders of Hon'ble Supreme Court of India in Civil Appeal No.4787/2001 Dated 25.07.2001 that the material resources of the community like forests, tanks, ponds, hillocks, mountains, etc., are nature's bounty and they maintain delicate ecological balance and they need to be protected for a proper and healthy environment, which enables people to enjoy a quality life, which is the essence of the guaranteed right under Article 21 of the Constitution and also failed in following the instructions communicated by the District Collector vide Ref. No.

E2/1097/2013 dated 26.03.2013 with regard to protection of water bodies / Tank porombokes.

Thus, Sri P.Kanakadurgaiah, formerly Tahsildar, T.Sundupalli Mandal and now retired from service had shown gross negligence in performing his official duties and also failed in discharging his legitimate duties properly in violation of Rule 3 (1), (2) & (3) of A.P.C.S (Conduct) Rules, 1964.

G.SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

// FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE - II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF ARTICLES OF CHARGES FRAMED AGAINST SRI P. KANAKADURGAIAH, FORMERLY TAHSILDAR, T.SUNDUPALLI MANDAL, ANNAMAYYA DISTRICT (RETD).

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The Sub Collector, Kadapa in his Ref. No. A2/1112/2020, dated 25.11.2020 has submitted a report stating that an adverse news item was published in Eenadu daily news paper in Kadapa District edition on 20.10.2020 under caption "Akramanalaku gurainadi! Bahuda parivahaka prantham pai nayakula kannu" relating to the land in Sy.No.2431 extent Ac. 33.39 cents of T.Sundupalli village and Mandal and that the Deputy Tahsildar, O/o the Tahsildar, Chennur Mandal has been instructed to enquire on the above adverse news item.

Further, the Sub Collector, Kadapa has submitted that the Enquiry Officer has verified the records and inspected the land in Sy.No.2431 of T.Sundupalli Village and Mandal on 30.10.2020, enquired into the contents relating to the aforesaid adverse news and as per records furnished by the Tahsildar and Deputy Tahsildar, O/o the Tahsildar, T.Sudupalli, and his enquiry reveals as follows:

- As per RSR of T.Sundupalli village, the land in Sy.No.2431 extent Ac. 323.39 cents is classified as Government & Poramboke at Column Nos. 4 & 5 and recorded as "River" at Column No.17.
- As per Village Account No.3 i.e., Adangal (online webland) was verified and found that the land in Sy.No.2431 extent Ac. 33.39 cents was recorded as Nadhi (River).
- As per Annexure-II lists i.e., the properties listed u/s 22-A(1)(b) of the Registration Act, 1908, the land in Sy.No.2431 extent Ac. 193.23 cents was recorded as "Nadhi" at Column No.9 and recorded in the name of "Irrigation Department" at Column No.10 and the subject land is prohibited from registrations.

Further, the Enquiry Officer reported that the encroachments / land leveling made over the land in Sy.No.2431 of T.Sundupalli Village and Mandal, it is pertinent to know about the land in Sy.No.2141 extent Ac. 8.75 cents of T.Sundupalli village and its brief history is narrated as follows:

As per RSR of T.Sundupalli village, the land in Sy.No.2141 extent 8.75 cents is classified as "Waste / Gayalu (Un Assessed Waste)" and in view of "NAVARATNALU-PEDALANDARIKI ILLU" programme, out of the above total extent of Ac. 8.75 cents, an extent of Ac. 4.00 cents of the land in Sy.No.2141 of T.Sundupalli village was identified for sanction and distribution of house sites to the eligible poor beneficiaries of T.Sundupalli village and the Tahsildar, T.Sundupalli Mandal vide his Ref. No. B/200/2019 dated 18.06.2020 has requested the Project Director (Housing), Kadapa to prepare estimates for land leveling with machinery so as to peg-mark in the aforesaid Government land for preparation of layouts for distribution of house sites to the poor people on Ugadi festival, 2020 (later distribution of house site pattas were postponed) and the District Collector / Executive Director, A.P.State Housing Corporation Limited, Y.S.R.District, Kadapa vide proceedings No. 3831/ House sites/2019/D, dated 06.07.2020 has accorded Administrative Sanction for Rs. 364.041 lakhs in Spell-VI for preliminary development of house sites suitable for demarcation, formation of internal roads and approach roads etc., in respect of 92 workable segments / works in 35 locations, out of which the following three works relates to the land in Sy.No.2141 of T.Sundupalli village and its details are as follows:

S. No.	Sl.No.in Collector's Progs.	Name of the Constituency	Name of the work	Estimates prepared for extent (Area in acres)	Estimate cost (Rs. In lakhs)
1	38	Rajampet	Development of House sites for demarcation of plots in	1.20	4.95

			Sy.No.2141 at Near Agraharam in T.Sundupalli (GP) of T.Sundupalli Mandal in segment-I		
2	39	Rajampet	Development of House sites for demarcation of plots in Sy.No.2141 at Near Agraharam in T.Sundupalli (GP) of T.Sundupalli Mandal in Segment-2	1.20	4.95
3	40	Rajampet	Development of house sites for demarcation of plots in Sy.No.2141 at Near Agraharam in T.Sundupalli (GP) of T.Sundupalli Mandal in Segment-3	1.20	4.95

Further, basing on the above administrative sanction accorded by the District Collector, Kadapa as stated supra, the then Tahsildar/Chairman, Mandal Level Committee for development of House Sites, T.Sundupalli Mandal vide Model Work Order proceedings Rc. No. A/68/House Sites/2019, dated 08.07.2020 has entrusted the work to Sri Meda Vijaya Sekhar Reddy S/o M.Ramachandra Reddy with regard to "Clearing of Heavy Jungles and Leveling of Sites in Sy.No.2141 Segment Nos. 1, 2 & 3 locations near Agraharam, T.Sundupalli village and Mandal" subject to certain terms & conditions as mentioned in his proceedings.

As per the above orders, Sri Meda Vijaya Sekhar Reddy S/o M.Ramachandra Reddy, who was private contractor has executed the work of leveling of the land in Sy.No.2141 to an extent of Ac. 4.00 cents of Gutta which is classified as Waste / Gayalu (UAW) as per RSR of T.Sundupalli Village & Mandal and during the process of leveling Gutta, the soil excavated was dumped in the patta lands and also in Government lands i.e., Channel, Rastha, River, Endowment lands, etc., which are existing adjacent to the land in Sy.No.2141 of T.Sundupalli village and Mandal classified as Gutta land without obtaining prior permission from concerned officials.

In order to ascertain the extent of leveling of Government lands, Patta lands and also encroachments made in Government lands existing adjacent to the land in Sy.No.2141 of T.Sundupalli village, the Co-Enquiry Officer i.e, Sri T.Balakullaye Swamy, Deputy Inspector of Survey, O/o the Sub Collector, Kadapa Sub Division has inspected T.Sundupalli village and Mandal on 31.10.2020 and conducted survey work with the assistance of Mandal Surveyor, T.Sundupalli Mandal and certain Village Surveyors of T.Sundupalli Mandal and identified the extent of land leveled by the private contractor in the adjacent Government lands i.e., River poromboke, Rastha, Channel, Endowment lands, patta lands and also encroachments made in Government lands existing adjacent to the land in Sy.no.2141 of T.Sundupalli village & Mandal and its details are shown below at Table A (Land leveling details) & Table-B (encroachments in Government land):-

TABLE-A (Land leveling details)

Sl. No.	Name of the Village	Land leveling done by the private contractor duly excavating soil from the land in Sy.No.2141 of T.Sundupalli Village which is classified as Waste/Gayalu			
		Sy.No.	As per RSR recorded as	Land leveling done to an extent in acres	Remarks
1	T.Sundupalli	2400	Manager for the time being of Sri Chennakeswara	0.33	Objectionable

			swamy temple		Governmen t lands which are land leveled
2		2401-1	Rastha	0.23	
3		2401-2	Rastha	0.08	
4		2405	Channel	0.40	
5		2431	River	4.58	
6		2472	Channel	0.37	
			Sub Total	5.99	
7		2397-1	Patta	0.50	Patta lands which were leveled without obtaining prior permission of Governmen t officials
8		2397-2	Patta	0.90	
9		2398-1	Patta	0.28	
10		2398-2	Patta	0.43	
11		2398-3	Patta	0.17	
12		2398-4	Patta	0.18	
13		2399-1	Patta	0.84	
14		2399-2	Patta	0.13	
15		2142-1	Patta	0.21	
16		2142-2	Patta	0.16	
17		2143-1	Patta	0.24	
18		2471	Patta	0.05	
			Sub Total	4.09	
			Grand Total	10.08	

TABLE-B (Encroachments existing in Government land)

Sl. No.	Name of the Village	Sy.No.	Extent	As per RSR recorded as	Encroachme nt in extent in acres	Name of the encroacher	Nature of encroachmen t
1	T.Sundupalli	2431	323.39	Government, Poramboke, River	1.55	Shaik Nazeer Sab	Paddy crop
2					0.025		Pump house
3					0.49	Reddicherla Nageswara Rao	Paddy crop & Bore
4					0.025	-	Pump house for public purpose
					0.025	Syed Chand Basha	Pump house
				Total:	2.115		

Further, the Sub Collector, Kadapa has submitted that, the Enquiry Officer has also enquired, the Tahsildar, T.Sundupalli Mandal and he has offered his written explanation stating that, the land in Sy.No.2141 extent 2141 extent Ac. 4.00 cents of T.Sundupalli village was identified for sanction of house sites to the eligible poor beneficiaries of T.Sundupalli village in view of NAVARATNALU PEDALANDARIKI ILLU PROGRAMME and the work relating to leveling of Gutta was sanctioned in favor of private contractor and he has dumped the excavated soil into the agricultural patta lands existing adjacent to the Gutta on the request of pattadars as their patta lands are existing at low lying area comparing with the existing road and neither the private contractor nor the pattadars have informed about dumping of soil to him and with

regard to the encroachments, the Tahsildar has informed that, he will take action duly following the procedure of law laid in the A.P.Land Encroachment Act, 1905 and finally informed that the Caution boards will be erected over the encroached Government lands soon after completion of survey work.

The Enquiry Officer has also reported that the Tahsildar, T.Sundupalli Mandal has not submitted the change of classification proposals to the District Collector, Kadapa through the Sub Collector, Kadapa Sub Division and should obtain prior permission from the District Collector, for the land in Sy.No.2141 from Gayalu (UAW) to Assessed Waste under order 15 para No. 2(3)(ii) Board of Standing Orders and the subject land should also sub divide and should got pre-scrutiny from the Deputy Inspector of Survey O/o the Sub Collector, Kadapa Sub-Division for sanction of assignment and distribution of house site pattas to the eligible poor beneficiaries of T.Sundupalli. The Mandal level Officials i.e., officials of Irrigation, Housing & Endowment Departments should have brought to the notice of the Tahsildar, T.Sundupalli Mandal that, the private contractor is dumping the excavated soil of Gutta into the adjacent Government lands, but they failed to do so, as they are also having responsibility in protection of Government lands of River, Channels & Endowment lands. The District Collector, Kadapa vide Ref.No.E2/1097/2013, dated 26.03.2013 has communicated certain instructions relating to protection of Water bodies / Tank porambokes and they are to be conserved as per the observations of Hon'ble Supreme Court of India in Civil Appeal No.4787/2001 orders dated 25.07.2001, the material resources of the community like forests, tanks, ponds, hillocks, mountains etc., are nature's bounty and they maintain delicate ecological balance and they need to be protected for a proper and healthy environment, which enables people to enjoy a quality life, which is the essence of the guaranteed right under Article 21 of the Constitution. But, in the instant case nearly an extent Ac. 4.58 cents of River poramboke land in Sy.No.2431 was leveled by the private contractor which is highly objectionable. Further as per RSR of T.Sundupalli village, the extent for Sy.No.2431 is recorded as Ac. 323.39, but as per Village Account No.3 i.e., Adangal (Online Webland) the extent is recorded as Ac. 33.39 cents and as per 22-A(1)(b) the extent is recorded as Ac. 193.23 cents which is showing discrepancy and the Tahsildar, T.Sundupalli Mandal should correct the extent in all other Revenue records.

In view of all the above, it is crystal clear that, Sri Meda Vijaya Sekhar Reddy S/o M.Ramachandra Reddy, who was private contractor and who was sanctioned the works relating to leveling of Gutta in Sy.No.2141 of T.Sundupalli village in view of NAVARATNALU PEDALANDARIKI ILLU programme has excavated soil from the said Gutta and dumped into the adjacent Government lands totaling to an extent Ac. 5.99 cents which is highly objectionable and the details of land leveling made both in Government and patta lands and encroachments made in Government lands.

Finally, the Enquiry Officer has reported that, during the course of Revenue enquiry, the intention of the private contractor in leveling the Government lands as shown above is suspicious i.e., either he leveled the Government land due to non claiming / sanctioning of transportation of soil bills or for formation of layouts unlawfully by grabbing objectionable Government land and was not came into light and the local press reporters and adjacent pattadars have also not came forward to offer their written statements relating to the above issue to strengthen the enquiry.

The Sub Collector, Kadapa has further reported that on verification of the records and report of the Enquiry Officer, Show Cause Notices issued to the Tahsildar, Dy.Tahsildar, Mandal Revenue Inspector and Village Revenue Officer, T.Sundupalli and their explanations received for perusal and requested to issue necessary instructions for taking further action.

From the above, it is clearly established that Sri P.Kanakadurgaiah, formerly Tahsildar, T.Sundupalli Mandal, YSR District and now retired from service had grossly failed in submitting the Change of classification proposals under Para no.2(3)(i) of Order Number 15 of Board Standing Orders to the District Collector through the Sub Collector, Kadapa for the land in Survey Number 2141 Extent 4.00 Acres of

T.Sundupalli village from Waste / Gayalu (Un Assessed Waste) to Assessed Waste and the action of Sri P.Kanakadurgaiah, formerly Tahsildar, T.Sundupalli Mandal, YSR District and now retired from service in his Ref. No. B/200/2019 dated 18.06.2020 requesting Project Director (Housing), Kadapa to prepare estimates for land leveling with machinery so as to peg mark in the land in Survey Number 2141 Extent 4.00 Acres of T.Sundupalli village without prior permission of the District Collector and its subsequent proceedings caused for publishing of adverse news item in Eenadu daily news paper in Kadapa District edition on 20.10.2020 under caption "Akramanalaku gurainadi! Bahuda parivahaka prantham pai nayakula kannu" relating to the land in Sy.No.2431 extent Ac. 323.39 cents of T.Sundupalli village and Mandal and also led for encroachment of Government land (River Poromboke) land in Sy.No.2431 of T.Sundupalli Village. Thus, the individual had failed discharging his legitimate duties properly and shown gross negligence in performing his official duties. Hence, the charges.

G.SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

// FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE - III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI P. KANAKADURGAIAH, FORMERLY TAHSILDAR, T.SUNDUPALLI MANDAL, ANNAMAYYA DISTRICT (RETD).ARE PROPOSED TO BE SUSTAINED.

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1. Sub Collector, Kadapa Ref.No.A2/1112/2020 dated 25.11.2020.
2. Report of the Inquiry Officer & Deputy Tahsildar, O/o the Tahsildar, Chennur dated 04.11.2020.
3. U.O. Note of the Superintendent, E-Section, Collectorate, kadapa Ref.No.E5/2966/2020 Dated 06.02.2021.

G.SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

// FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE - IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SRI P. KANAKADURGAIAH, FORMERLY TAHSILDAR, T.SUNDUPALLI MANDAL, ANNAMAYYA DISTRICT (RETD) ARE PROPOSED TO BE SUSTAINED.

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---NIL---

G.SAI PRASAD
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

// FORWARDED :: BY ORDER//

SECTION OFFICER